APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,587	12/28/2004	Michael Weber	PD020057	3088

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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 August 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-15</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-15</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>28 December 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☒ All   b)☐ Some *   c)☐ None of:

         1.☒ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   The instant application having Application No. 10/519,587 has a total of 15

claims pending in the application; there are 2 independent claims and 13 dependent

claims, all of which are ready for examination by the examiner.

Oath/Declaration

2.   The applicant's oath/declaration has been reviewed by the examiner and is found

to conform to the requirements prescribed in 37 C.F.R. 1.63.

Priority

3.   As required by M.P.E.P. 201.14(c), acknowledgement is made of applicant's

claim for priority based on applications filed on June 28, 2002 (EPO 02291613.4).

Drawings

4.   The applicant's drawings submitted are acceptable for examination purposes.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Lea et al.

Regarding claim 1, Lea teaches a sink device with a local display (*see* Lea, p. 37, *Device Classification*) for connection to a digital IEEE 1394 network (*see* Lea, p. 35, *Supporting Technologies*). Lea further teaches that the device may have a means for displaying a user interface for controlling a data source device connected to the network. *See* Lea, p. 42, col. 1. Lea also teaches that the device has a means for controlling network resource allocation and for automatically establishing, upon selection of a function of the source device by the user through the user interface, a connection between the data source device and the data sink device as default destination device of the connection. *See* Lea, p. 42, col. 1 ("Also, on the basis of the network device's streaming capabilities, the local stream manager can set up and tear down isochronous connections between different devices."). Lea teaches that said sink device may have playback capability of the data of the source device (e.g., DTV receiver). *See* Lea, p. 37, *Device Classification*.

Regarding claim 2, Lea teaches that the connection is an isochronous transmission connection comprising allocation of a channel of bandwidth. *See* Lea, p. 42, col. 1.

Regarding claim 3, Lea teaches that the controlling means of the sink device carries out a check for an existing connection from the source device to another sink device (*see* Lea, p. 42, col. 1, "aware of any conflict over device use"), and that in the affirmative, a connection is not automatically set up between the source device and the

sink device (*see* Lea, p. 42, col. 1, "users . . . can settle the issue among themselves

out of band").

Regarding claim 4, Lea teaches that the function can be a playback function.

See Lea, p. 40, *DDI Controller*, "play button."

Regarding claim 5, Lea teaches that the source device may comprise a storage

means. *See* Lea, p. 35, col. 1, paragraph 1. It is inherent that this storage means may

be used for storing data to be transmitted and that it may be responsive to controls for

starting and stopping reading from the storage means.

Regarding claim 6, Lea teaches that the function may be a selection function of

the source device. *See* Lea, p. 42. col. 1, "user selects particular DCM."

Regarding claim 7, Lea teaches that the source device may comprise a data

generation means adapted to the continuous output of data. *See* Lea, p. 39, col. 1,

Stream Manager.

Regarding claim 8, Lea teaches that the device further comprises memory for

storing software (*see* Lea, p. 36, col. 1, "acts as a host for a controlled device by

running a software proxy") downloaded from the source device (*see* Lea, p. 36, col. 2,

"uploaded DCM originates from an external source", p. 40, col. 2, "can extract this

havlet from the DCM, . . . and load and execute the havlet") wherein said software is

adapted to control the automatic establishment of the connection between the source

device and the sink device (*see* Lea, p. 36, col. 1, "specifies communication between it

and the DCM") and wherein the user interface is derived from said software (*see* Lea, p.

40, col. 1, *DDI Controller*).

Regarding claim 9, Lea explicitly teaches that the software is a HAVi Havlet and the network is a HAVi network. *See* Lea, p. 40, col. 2.

Regarding claim 10, Lea teaches a method for setting up a data stream connection in a digital network comprising a source device and a sink device, said method comprising the steps of:

executing a user interface on the sink device;

selecting a function of the source device through the user interface, characterized by the step of establishing a connection for data transmission from the data source device to the data sink device as default destination device of the connection, wherein said sink device has playback capability of the data of the source device. *See* Lea, p. 41, col. 2, *A home network shell*.

Regarding claim 11, Lea further teaches that the user interface may be derived from software downloaded by the sink device from the source device. *See* Lea, p. 40, *The havi.ui package, p.* 41, col. 2, "instantiate the DCM's havlet."

Regarding claim 12, Lea explicitly teaches that the software is a HAVi Havlet and the network is a HAVi network. *See* Lea, p. 40, col. 2.

Regarding claim 13, Lea teaches that the downloaded software controls the establishment of the connection. *See* Lea, p. 42, col. 1, "instantiate the DCM's havlet," p. 36, col. 1, "vendor of the controlled device specifies communication between it and the DCM."

Regarding claim 14, Lea teaches that the sink device carries out a check for an existing connection from the source device to another sink device (*see* Lea, p. 42, col.

1, "aware of any conflict over device use"), and that in the affirmative, a connection is

not automatically set up between the source device and the sink device (*see* Lea, p. 42,

col. 1, "users . . . can settle the issue among themselves out of band").

Regarding claim 15, Lea teaches that the function can be a playback function

(s*ee* Lea, p. 40, *DDI Controller*, "play button") and that the source device may comprise

a storage means (*see* Lea, p. 35, col. 1, paragraph 1).

Response to Arguments

6.   Applicant's arguments filed August 23, 2007 have been fully considered but they

are not persuasive.

With regard to claim 1, Applicant argues that Lea does not describe at least the

recited feature of "*automatically establishing, upon selection of a function of the source*

device by the user through the user interface, *a connection* between the data source

device and the data sink device *as default destination* device of the connection, wherein

said sink device has playback capability of the data of the source device." However Lea

clearly teaches allowing the user to select functions of the source device. *See* Lea at p.

42, col. 1 ("letting the user navigate down to a representation for any one of the

network's FCMs. . . . The user then manipulates the target device to examine and

control its operation."). Lea further teaches establishing a connection between the data

source device and the data sink device based on the devices' streaming capabilities.

See Lea at p. 42, col. 1 ("Also, on the basis on the network device's streaming

capabilities, the local stream manger can set up and tear down isochronous

connections between different devices."). Lea thus indicates that a connection may be set up between the target device and the shell display device if both devices embody the necessary streaming capabilities. *See id.*

With regard to claim 10, Applicant argues the same deficiencies, which have been summarily addressed above.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willow Noonan whose telephone number is (571) 270-1322. The examiner can normally be reached on Monday through Friday, 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey Pwu can be reached on (571) 272-6798. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JEFFREY PWU
SUPERVISORY PATENT EXAMINER